

10/500310 ENT COOPERATION TREATY
OF CIPTO 27 SEP 2004

C'D 03 JUN 2004

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PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2478PTWO/er		FOR FURTHER ACTION  See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)						
International application No. PCT/EP 03/03126		International filing date (da 26.03.2003	y/month/year	Priority date (day/month/year) 28.03.2002				
International Pa C08G85/00,	atent Classification (IPC) or b C08G85/00	oth national classification and	IPC					
Applicant N.P.T. S.R.L	et al							
This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.								
2. This RE	2. This REPORT consists of a total of 4 sheets, including this cover sheet.							
be	This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).							
These a	These annexes consist of a total of sheets.							
3. This rep	ort contains indications rel	ating to the following item	s:					
I 🛭	Basis of the opinion							
II 🗆	Priority							
III 🗆	-	pinion with regard to nove	ltv. inventiv	re step and industrial applicability				
IV 🗆	Lack of unity of invention		,	- otop and maddata applicability				
V 🛭	Reasoned statement un citations and explanation	under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability;						
VI 🗆	Certain documents cite							
VII 🗆	Certain defects in the ir	international application						
VIII 🗆	Certain observations or	n the international applica	ion					
Date of submission of the demand			te of comple	tion of this report				
27.10.2003			02.06.2004					
Name and mailing address of the international			thorized Office					
preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465			egui Rebo	ello, J +49 89 2399-8670				

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/03126

i. Basis	of the	report
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 With regard to the elements of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)):

	De	escription, Pages						
	1-33		as originally filed					
	Cl	aims, Numbers						
	1-1	15	as originally filed					
2	. Wi lar	With regard to the <b>language</b> , all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.						
These elements were available or furnished to this Authority in the following language: , which is:								
		the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).						
3.	With regard to any <b>nucleotide and/or amino acid sequence</b> disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:							
	□ contained in the international application in written form.							
		ne international application in computer readable form.						
			ntly to this Authority in written form.					
		furnished subseque	ntly to this Authority in computer readable form.					
	The statement that the subsequently furnished written sequence listing does not go beyond in the international application as filed has been furnished.							
		☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.						
4.	The	The amendments have resulted in the cancellation of:						
		the description,	pages:					
		the claims,	Nos.:					
		the drawings,	sheets:					
5.		This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).						
		(Any replacement sh report.)	eet containing such amendments must be referred to under item 1 and annexed to this					
6.	Add	Additional observations, if necessary:						

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/03126

- V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- 1. Statement

Novelty (N)

Yes: Claims

1-15

No: Claims

Inventive step (IS)

Yes: Claims

No: Claims 1-15

Industrial applicability (IA)

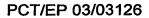
Yes: Claims

1-15

No: Claims

2. Citations and explanations

see separate sheet



## Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: WO-A- 98/29462 D2: EP-A-0 031 397 D3: US-A-4 231 956

The subject-matter of claims 1 to 15 of the present application is obviously derivable (Article 33(3) PCT) from the cited prior art (see passages cited in the search report) as the solution of the invention, namely the use of hydrogen sulphide in the place of the dithiols of D1 to avoid unpleasant odours in the polymers of D1 is known from D2 (see in particular the passage common to pages 5 and 6 and examples 2 and 3) so that the incorporation of this teaching in the silane-terminated polymers of D1 is a matter of routine for those skilled in the art. Furthermore, the particular basic catalysts used in the process recited in claims 14 and 15 of the application are also known (see D3). Although applicants have argued that different polymer structures and an improved weatherability of the crosslinked polymers (which as a matter of fact was not disclosed in the application) result from the substitution of hydrogen sulphide for the thiols of D1, the fact of the matter remains that there is apparently no other alternative to solve the problem underlying the application (ie the avoidance of unpleasant odours) but to replace the dithiols of D1 by hydrogen sulphide as taught by D2. In other words, the present case is a one-way street situation.